

**EXECUTIVE BRANCH ETHICS COMMISSION AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to the Executive Branch Ethics Commission.

**Highlighted Provisions:**

This bill:

► provides that, if the commission determines that all allegations made against an executive branch elected official are without merit, the executive branch elected official ~~§→ [is entitled to]~~ may request ~~←§~~ payment, by the state, of reasonable attorney fees and costs for legal representation during the complaint review process.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63A-14-708**, as enacted by Laws of Utah 2013, Chapter 426

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **63A-14-708** is amended to read:

**63A-14-708. Attorney fees and costs.**

(1) A complainant:



(a) may, but is not required to, retain legal representation during the complaint review process; and

(b) is responsible for payment of the complainant's attorney fees and costs incurred.

(2) A respondent:

(a) may, but is not required to, retain legal representation during the complaint review process; and

(b) except as provided in Subsection (3), is responsible for payment of the respondent's attorney fees and costs incurred.

(3) ~~§~~ (a) ~~←~~§ If the commission determines that all allegations in the complaint are without merit,

~~the respondent~~ ~~§~~ ~~→~~ [is entitled to payment, by the state,] may file a request with the Executive Appropriations Committee of the Legislature for the payment ~~←~~§ of reasonable attorney fees and costs for legal representation during the complaint review process.

~~§~~ ~~→~~ (b) If the Executive Appropriations Committee of the Legislature receives a request described in Subsection (3)(a), the Legislature may appropriate money to reimburse the respondent for some or all of the reasonable attorney fees and costs described in Subsection (3)(a). ~~←~~§

~~[(3)]~~ (4) An attorney who participates in a hearing before the commission shall comply with:

(a) the Rules of Professional Conduct established by the Utah Supreme Court;

(b) the procedures and requirements of this chapter; and

(c) the directions of the chair and the commission.

~~[(4)]~~ (5) A violation of Subsection ~~[(3)]~~ (4) may constitute:

(a) contempt of the commission under Section 63A-14-705; or

(b) a violation of the Rules of Professional Conduct, subject to enforcement by the Utah State Bar.